

## **Who do I contact for rezoning information?**

The Growth Management Division in the Department of City Planning is located at **One Exchange Plaza, 3<sup>rd</sup> floor** (200 block of Fayetteville Street). For additional information or to receive an application, please call **516-2626**. (Fax 516-2684). Applications are available on the department website:

**[www.raleighnc.gov/rezoning](http://www.raleighnc.gov/rezoning)**

## **Starting the Rezoning Process**

The rezoning process takes approximately 5 months from filing deadline to final action. Complex cases may take much longer to resolve, and could include special studies by the Planning Commission or City Council. The applicant must file a completed application, maps outlining the property or portion of property to be rezoned, with a filing fee of \$500.<sup>00</sup> for general use cases, \$1000.<sup>00</sup> for conditional use cases, and \$2500 for PDD Master Plans. Scheduled filing deadline dates are available in the Planning Department and the department website. To properly handle unexpected issues, the applicant is advised to schedule an appointment with a staff member of the Growth Management Division prior to filing a request.

## **What is Conditional Use Zoning?**

A rezoning case may be either for a general use district or a conditional use district. For a general use, City Council considers all the potential uses which would be allowed under the proposed rezoning district. City Council is not allowed to consider specific site plans or conditions as a basis for a decision regarding the zoning case.

If a conditional use case is requested, the owner of the property limits the actual use or uses that would occur under the rezoning. He may also restrict development on the site by other means, such as increased setbacks or decreased height limits. The City Council considers each of these conditions in making a decision on the rezoning.

## **Informational Meeting**

For conditional use rezoning requests, the applicant is required to hold a meeting with adjacent property owners at least 6 weeks before the scheduled public hearing date. The purpose of this meeting is to encourage discussion and to provide an opportunity for resolving neighborhood concerns and issues:

## **What is the CAC?**

Most zoning cases are reviewed by applicants with the local Citizens Advisory Council (CAC). The CAC is made up of community residents who advise the Council on important neighborhood issues. To find out when and where your local CAC meets, contact the Community Services Department at 831-6100.

## **What is a Protest Petition?**

If a valid protest petition is filed in opposition to a rezoning request, the City Council cannot

approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a valid protest petition, the petition must:

- Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the request; or
- Be signed by the owner(s) of property which represents five percent (5%) or more of a 100-foot-wide buffer extending along the entire boundary of the property to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 ft. wide or less; and,
- Be delivered no less than two (2) full working days before the public hearing date (5:00 pm), not including the actual day of the hearing and not including any holidays or Saturdays or Sundays; and
- Be delivered to the office of the City Clerk, Room 207, Municipal Building, 222 West Hargett Street, before the deadline; and,
- Include a statement of opposition on each page of signatures at the top of the petition; the statement should be simply and clearly worded.

Those signing the petition should include their address. A standard protest petition form is available on the web site or in the Planning Department.

People delivering the petition to the City Clerk should leave their name, address and telephone number through which they can be contacted.

## How is a zoning case decided?

Special joint public hearings of the City Council and the Planning Commission are held six times a year – in January, March, May, July, September and November – to review all rezoning requests. (Effective 1/1/08, special joint public hearings will be held four times a year — in January, April, July, and October.) The hearings allow both the City Council and the Planning Commission to receive comments from both proponents and opponents of each zoning case.

After the zoning cases have been heard, they are referred to the Planning Commission for consideration at their next meeting. The Planning Commission meets regularly on Tuesdays during the following week at 9:00 a.m. in the Council Chambers. Meetings of the Planning Commission are open to the public. Members of the Commission discuss each case in light of what is in the best interests of the entire City and then vote to recommend either approval, approval with modifications, or denial of the request. A decision may be delayed or referred to a committee if the Commission needs additional information or time to study the request.

The Planning Commission serves the City Council in an advisory capacity. The City Council holds meetings on the first and third Tuesday of each month and makes the final decision on the zoning case.

All cases the Council will discuss appear on an agenda available from the City Clerk's Office. Upon submittal of the Planning Commission's certified recommendation, Council will vote to either approve, approve with modifications, or deny the request. If there are matters that need to be clarified, the case may be referred to a Council committee where it will be studied further.

Visit our website at [www.raleighnc.gov](http://www.raleighnc.gov)

## How do I track a rezoning request through the process?

[www.raleighnc.gov/rezoning](http://www.raleighnc.gov/rezoning)

Raleigh Department of City Planning

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# The Rezoning Process

